

24 NOVEMBER 1947

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Of  
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I N D E X

Of

EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
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Monday, 24 November 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE SIR WILLIAM F.  
WEBB, Member from the Commonwealth of Australia and  
HONORABLE JUSTICE R. B. PAL, Member from India, not  
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 T O R A S H I R O K A W A B E, recalled as a  
4 witness on behalf of the defense, resumed  
5 the stand and testified through Japanese  
6 interpreters as follows:

7 MR. TAVENNER: If the Tribunal please.

8 ACTING PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: We are informed that the accused  
10 MATSUI is in court this morning, and we are discussing  
11 now the matter of completing the testimony in his phase.  
12 It is my suggestion that upon the completion of the  
13 testimony of the witness in the box, we proceed to  
14 complete the MATSUI phase. I think it is the safest  
15 thing to do in view of the state of health of MATSUI,  
16 and I understand there is no objection from defense  
17 counsel in the OSHIMA phase.

18 ACTING PRESIDENT: How does the counsel for  
19 OSHIMA feel about that?

20 MR. CUNNINGHAM: There is no objection on our  
21 part on that course of action.

22 ACTING PRESIDENT: How about the counsel for  
23 MATSUI?  
24

25 MR. TAVENNER: He was here a moment ago and I  
understood he was ready to proceed. It has been our



1 understanding all the while that when he was able to  
2 be in court counsel would proceed, subject, of course,  
3 to the approval of the Tribunal.

4 ACTING PRESIDENT: The Court prefers to have  
5 the evidence of each accused put on all at once without  
6 any interruption whenever it is possible. In view of  
7 the situation here with MATSUI, the accused MATSUI,  
8 the majority would like to hear it at the conclusion  
9 of the testimony of the witness now on the stand.

10 MR. TAVENNER: Mr. Marshal, will you notify  
11 counsel for MATSUI of the decision of the Court.

12 ACTING PRESIDENT: Mr. Tavenner.

13 CROSS-EXAMINATION

14 BY MR. TAVENNER (Continued):

15 Q General KAWABE, what countries did Ambassador  
16 OSHIMA visit in addition to England and Belgium?

17 A I have no recollection.

18 Q What did Ambassador OSHIMA tell you that the  
19 ambassadors in England and Belgium would do with regard  
20 to advising the Foreign Office in Japan as to the course  
21 that should be followed with respect to the proposed  
22 alliance?

23 A I heard nothing from OSHIMA regarding that.

24 Q Did Ambassador OSHIMA return to Berlin between  
25 visits to these two countries, or were they both

visited on the same trip?

1           A    In my recollection, it was at one time.

2           Q    Please fix the date of this trip and the  
3           period of its duration.

4           A    I have no clear recollection of that, but the  
5           impression which remains in my mind is -- and this is  
6           a very vague one -- it was yet spring in 1939.

7           Q    Was it not prior to February 25, 1939?

8           A    I regret to say that I cannot recall.

9           Q    Was it before or after the arrival in Berlin  
10          of the ITO Commission?

11          A    I think it was after, but even this is unclear.  
12          I cannot say definitely.

13          Q    Would this help your recollection: Was the  
14          ITO Commission present in Berlin when this trip was  
15          made?

16          A    I do not think the ITO Mission was in Berlin  
17          at the time.

18          Q    Who accompanied the Ambassador?

19          A    I think the Ambassador brought one of the  
20          secretaries of the Embassy, but I do not think any  
21          special person accompanied him.

22          Q    Did OSHIMA travel incognito?

23          A    I think not. I don't think that happened.

24          Q    Do you recall at some later date that Ambassador  
25

1 OSHIMA called a conference of ambassadors and ministers  
2 in Berlin; and if so, what is the date of this  
3 conference?

4 A I have no recollection of a conference of  
5 ambassadors and ministers in Berlin.

6 Q On Friday afternoon, page 33,779 of the tran-  
7 script, you stated that your official duties required  
8 you to transmit views and opinions of the Ambassador  
9 to the army in Japan. Did you fully perform this duty  
10 while you were Military Attache?

11 A Yes, I carried it out to the best of my  
12 ability.

13 Q Was it your practice and did you confer with  
14 the Ambassador before sending your messages to Japan?

15 A I have never shown the Ambassador the messages  
16 which I transmitted to Japan.

17 Q But did you discuss them with the Ambassador  
18 before you sent them?

19 A Customarily, these messages were transmitted  
20 after sufficient study of various problems dealt with  
21 in the messages had been studied in the Embassy. Dis-  
22 cussions were held in the Embassy among myself, the  
23 Naval Attache, and staff members of the Embassy, and  
24 various issues or problems were put under study at  
25 these discussions, and after fully understanding the

KAWABE

CROSS

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1 aims and intentions of the ambassadors, these messages  
2 were sent out.

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1 Q Were your messages on occasion sent to War  
2 Minister ITAGAKI?

3 A No, not once.

4 Q Did War Minister ITAGAKI on occasions com-  
5 municate with you?

6 A Yes, once.

7 Q Tell us about it.

8 A Yes.

9 Q Let me interrupt you. Is that the same  
10 occasion that you spoke of in your affidavit?

11 A Yes.

12 Q Well, having already stated that, I will not  
13 ask you to repeat it. Were there any other occasions  
14 when you received a message from the War Minister  
15 ITAGAKI?

16 A I couldn't understand that last question.  
17 May I have it repeated?

18 THE MONITOR: Japanese court reporter.

19 MR. TAVENNER: It will be shorter for me to  
20 ask the question over.

21 Q Were there any other communications received  
22 by you from War Minister ITAGAKI?

23 A No.

24 Q General KAWABE, was OSHIMA pro-Nazi in his  
25 views and attitude?

Please answer.

1           A    I could not express his attitude or views  
2           by the word "pro-Nazi."

3           Q    Did he express to you -- strike that ques-  
4           tion. What do you mean, you cannot express his views?

5           A    I cannot explain in the sense of his being  
6           pro-Nazi.

7           Q    Well, isn't it true that he was pro-Nazi?

8           A    No, I do not say so.

9           Q    Now, as a matter of fact didn't he express  
10          his pro-Nazi views to you?

11          A    Ambassador OSHIMA impressed me as having  
12          good will toward the nation in which he was stationed,  
13          that is to say Germany, but he has never at any time  
14          expressed any sentiments of pro-Nazism.

15          Q    I will ask you another question from your  
16          interrogation referred to yesterday. In view of your  
17          answer to my last two questions I desire to ask you  
18          if at the time of the interrogation mentioned in the  
19          early part of your cross-examination the following  
20          questions were asked you and you made the following  
21          answers to them:  
22          answers to them:

23          "Q    You would, therefore, say that OSHIMA was  
24          pro-Nazi in his attitude, would you not?

25          "A    Yes.

1 "Q Did OSHIMA express to you his pro-Nazi  
2 attitude?

3 "A Yes. He told us many things about the good  
4 points of Nazi ideology. General OSHIMA was a man  
5 who had spent many years in Germany, spoke German  
6 proficiently, and knew Germany and the Germans well,  
7 was very fond of them, and was extremely pro-German  
8 in his ideas. He was very fond of Hitler, and his  
9 views and Ribbentrop's seemed to coincide. I don't  
10 believe he got along very well with Goering."

11 Were not those questions asked and those  
12 answers made?

13 A What I now recall in connection with this  
14 question and answer is that, as you will see, at the  
15 first part and the latter part of this statement  
16 said to have been made by me there is some confusion  
17 between Nazi and Germany. When I was stationed in  
18 Germany that country was completely under the domina-  
19 tion and control of the Nazi, and so when I was asked  
20 this question in the Meiji Building I used the word  
21 "Nazi" in speaking of Germany -- I took the word  
22 "Nazi" to mean Germany in my answers.  
23

24 Q Now, will you answer my question? Did you  
25 make that answer or not? Answer that question and  
then make such explanation as you desire to make.



1           A    I have a recollection that such questions,  
2 such types of questions and answers took place; but  
3 I do not recall whether or not the phraseology or  
4 words were actually those that were just quoted to me.

5           Q    All right. Now, you drew a distinction  
6 between Germany and the Nazi Party. When you made the  
7 statement in this interrogation that OSHIMA's views  
8 and Ribbentrop's seemed to coincide you meant with  
9 the Nazi views, didn't you, because you well knew  
10 that Ribbentrop's views were the Nazi views?

11          A    I am speaking of the character of von Ribben-  
12 trop as the character of the German Foreign Minister.  
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2 such types of questions and answers took place; but  
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4 words were actually those that were just quoted to me.

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6 between Germany and the Nazi Party. When you made the  
7 statement in this interrogation that OSHIMA's views  
8 and Ribbentrop's seemed to coincide you meant with  
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1 MR. TAVENNER: I offer in evidence IPS  
2 document No. 4188, which is the interrogation of  
3 this witness, supported by certificate of A. A.  
4 Muzzey, interrogator, and to which is attached  
5 certificate of Lieutenant Commander F. B. Huggins  
6 as interpreter and Hannah Kato as stenographer. As  
7 the pertinent parts have been read to the witness  
8 in the course of the cross-examination I do not  
9 think it necessary to take the time of the Court  
10 in reading them again.

11 ACTING PRESIDENT: Are you going to enter  
12 the entire interrogation or just excerpts therefrom?

13 MR. TAVENNER: I did offer the entire  
14 interrogation, but I think it would be more proper  
15 to only offer the excerpts. However, I have no  
16 objection to the entire interrogation; so I think  
17 I should limit the tender to the excerpts which have  
18 been mentioned.

19 ACTING PRESIDENT: Should you not introduce  
20 or tender the entire document for identification?

21 MR. TAVENNER: Yes, sir.

22 ACTING PRESIDENT: Then the excerpts in  
23 evidence later.

24 MR. TAVENNER: Yes, sir. I make the tender  
25 in compliance with this suggestion.

1           ACTING PRESIDENT: The entire document  
2 may be admitted for identification only.

3           CLERK OF THE COURT: The interrogation  
4 of KAWABE, Torashiro will receive exhibit No. 3497  
5 for identification only.

6           (Whereupon, the document above re-  
7 ferred to was marked prosecution exhibit No.  
8 3497 for identification.)

9           MR. TAVENNER: Now, if it please the Tribunal,  
10 I think it would save considerable time and work if  
11 instead of introducing excerpts later that I read  
12 now into the transcript what would be those excerpts  
13 and let that be the end of the matter.

14           ACTING PRESIDENT: Haven't you practically  
15 done that already?

16           MR. TAVENNER: I have, sir. The only  
17 problem with which I am faced is to make certain  
18 that those matters are in evidence as distinguished  
19 from merely being in evidence for identification. It  
20 will only require one or two minutes to read those  
21 two excerpts.  
22

23           ACTING PRESIDENT: That would probably be  
24 the most practical way, but I would like to hear from  
25 counsel for the accused first.

          MR. SHIMANOUCI: The defense objects to

1 this method of presentation of evidence by the  
2 prosecution.

3 Our reasons for objecting is first that  
4 this document has not been identified by the witness.  
5 Furthermore the witness has testified that there  
6 are some parts of this interrogation which are  
7 contrary to what he actually said.

8 Furthermore I object to the prosecution  
9 presenting its evidence during the defense phase of  
10 the case.

11 ACTING PRESIDENT: So far as the objections  
12 are concerned, the witness has accepted the statements  
13 made on that interrogation. The two excerpts that  
14 you questioned the witness on may be introduced in  
15 evidence and you may read them into evidence.

16 The objections are overruled.

17 MR. TAVENNER: I read on page 7 the following  
18 questions and answers:

19 "Q You would therefore say that OSHIMA  
20 was pro-Nazi in his attitude, would you not?

21 "A Yes.

22 "Q Did OSHIMA express to you his pro-Nazi  
23 attitude?

24 "A Yes, he told us many things about the  
25 good points of Nazi ideology. General OSHIMA was a



1 man who had spent many years in Germany, spoke  
2 German proficiently and knew Germany and Germans  
3 well, was very fond of them and was extremely pro-  
4 German in his ideas. He was very fond of Hitler and  
5 his views, and Ribbentrop's seemed to coincide. I  
6 don't believe he got along very well with Goering."

7 The second excerpt is as follows and appears  
8 on the same page and follows the excerpt just read:

9 "Q To the best of your knowledge how  
10 friendly was General OSHIMA with Heinrich Himmler, and  
11 do you know of any occasions when they met socially  
12 or otherwise?

13 "A Yes, they were friendly and I believe  
14 they met quite often, although perhaps not in an  
15 official capacity. Under ordinary circumstances I  
16 believe they saw a great deal of one another."

17 ACTING PRESIDENT: You don't seem to save  
18 much time by this procedure and we do not want to  
19 take it as a precedent. We would prefer that here-  
20 after you submit such evidence in the form of excerpts  
21 as heretofore.

22 MR. TAVENNER: Very well, sir.

23 There are no further questions.

24 ACTING PRESIDENT: Mr. Furness.

25 MR. FURNESS: For the defendant SHIGEMITSU.

1 man who had spent many years in Germany, spoke  
2 German proficiently and knew Germany and Germans  
3 well, was very fond of them and was extremely pro-  
4 German in his ideas. He was very fond of Hitler and  
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19 take it as a precedent. We would prefer that here-  
20 after you submit such evidence in the form of excerpts  
21 as heretofore.

22 MR. TAVENNER: Very well, sir.

23 There are no further questions.

24 ACTING PRESIDENT: Mr. Furness.

25 MR. FURNESS: For the defendant SHIGEMITSU.

1 ACTING PRESIDENT: Is this cross-examination?

2 MR. FURNESS: Yes, sir.

3 CROSS-EXAMINATION (Continued)

4 BY MR. FURNESS:

5 Q General KAWABE --

6 ACTING PRESIDENT: I didn't hear your answer.

7 MR. FURNESS: I said, "Yes, sir."

8 Q General KAWABE, after Ambassador OSHIMA's  
9 trip to England and Belgium did you hear from him  
10 or from anyone else that Ambassador SHIGEMITSU had  
11 expressed his approval of the proposed Pact?

12 MR. TAVENNER: Objection is made to the  
13 question on the ground that it was answered yesterday  
14 and there was nothing uncertain and nothing left  
15 to be cleared up in regard to that matter.

16 MR. FURNESS: If the Court please --

17 ACTING PRESIDENT: You mean as of Friday,  
18 not yesterday.

19 MR. FURNESS: If the Court please, according  
20 to the record -- I think it may not be correct -- it  
21 says that "Ambassador OSHIMA told me that in his  
22 impression most of the heads of missions did not  
23 clearly express their approval." And Ambassador  
24 KURUSU, of whom you just inquired, was included among  
25 these heads of missions. Then it goes on and



1 says that most of the heads of these missions did  
2 not clearly express their approval and that Ambassador  
3 KURUSU is mentioned and not Ambassador SHIGEMITSU.

4 ACTING PRESIDENT: Objection overruled.

5 MR. FURNESS: Will the question then be  
6 repeated to the witness.

7 (Whereupon, the Japanese court reporter  
8 read.)

9 A No, I have not.

10 MR. FURNESS: That is all.  
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1                   ACTING PRESIDENT: Mr. Shimanouchi.

2                   MR. SHIMANOUCI: Last Friday, I forgot to  
3 ask the witness if the affidavit, the revised  
4 affidavit, defense document 2652, court exhibit  
5 3469 -- I forgot to ask the witness if the contents  
6 thereof were true and correct. With the Tribunal's  
7 permission, I should like to be permitted to ask  
8 this question.

9                   ACTING PRESIDENT: Go ahead and question  
10 him.

11                  MR. SHIMANOUCI: I ask the witness.

12                  REDIRECT EXAMINATION

13 BY MR. SHIMANOUCI:

14                  Q I ask you, Mr. Witness, if the contents of  
15 the affidavit -- of your revised affidavit, defense  
16 document 2562, which is now court exhibit 3496,  
17 which I presented to this Tribunal and read last  
18 Friday, are true and correct?

19                  A Yes.

20                  Q In reply to a question put to you by the  
21 prosecutor, you said that you never heard that  
22 OSHIMA ever met Himmler, but when you were inter-  
23 rogated in the Meiji Building on the 6th of April,  
24 1946, you replied that you believed that they met  
25 quite often. It appears that the reply which you

1 made then contradicts the reply which you made later.  
2 I should like your explanation on this point.

3 A The answer, which I gave at the time of my  
4 interrogation in the Meiji Building in April, last  
5 year, was based on my observations and presumptions.  
6 In other words, it was my observation and impression  
7 that General OSHIMA was long a resident in Germany  
8 and, consequently, had many friends in that  
9 country. At that time, Himmler was one of the  
10 important and influential leaders of Germany, and  
11 naturally I supposed that General OSHIMA was on  
12 friendly terms with him and had opportunities to  
13 meet him quite often.

14 The question put to me by the prosecution,  
15 in my understanding -- that is, the question put to  
16 me by the prosecutor last Friday was, in my under-  
17 standing a question of fact, whether I knew whether  
18 OSHIMA and Himmler actually were friends or that  
19 OSHIMA and Himmler had a meeting or meetings, and  
20 it was to that question that I replied, and hence  
21 I do not believe that there is any inconsistency in  
22 those two answers.

23 Q Did you see or hear of OSHIMA meeting  
24 - Himmler towards the end of January, 1939?  
25

A No, I know nothing.

1           Q    You also made a reply to a question put to  
2   you by the prosecutor, as follows: After reaching  
3   Berlin, you often consulted with OSHIMA in regard  
4   to negotiations going on between Japan and Germany  
5   for the conclusion of a treaty. You also replied  
6   that your views were in agreement with those of  
7   OSHIMA.

8                When you talked with OSHIMA on this ques-  
9   tion, did you talk to him alone, or were others  
10  present at the meeting?

11           A    I believe that Ambassador OSHIMA took  
12  into consideration and study, as reference, the  
13  views and opinions of others in regards to this  
14  question. With regards to this question, whenever  
15  I participated in Ambassador OSHIMA's study of the  
16  question, the meetings were held in a room in the  
17  embassy or in a room in the official residence of  
18  the Ambassador. Participating in the meeting at  
19  all times were the consular and other staff members  
20  of the embassy, the naval attache, and myself.

21                ACTING PRESIDENT: You have answered the  
22  question.

23           Q    During the course of your cross-examination,  
24  you stated that OSHIMA was of the belief that in  
25  the case of a war between Germany and Great Britain,



1 Japan should shoulder the obligation of fighting  
2 Great Britain.

3 Did OSHIMA advocate that, in the case of  
4 an Anglo-German war, Japan should actually,  
5 immediately organize a war, mobilize her army,  
6 and fight Great Britain?

7 A Ambassador OSHIMA, in this case, advocated  
8 the necessity of Japan participating as an obligation,  
9 in principle, but participation in war, in his  
10 sense, was vague and broad. He did not mean that  
11 armed forces immediately should be used to render  
12 assistance to Germany.

13 Q Did OSHIMA desire or advocate the necessity  
14 of Japan's becoming embroiled in the war, should  
15 such a war break out in Europe between Germany and  
16 Great Britain?

17 MR. TAVENNER: Objection, if your Honor  
18 please. The matter was answered in cross-examination.

19 THE INTERPRETER: The witness started to  
20 reply, "He neither desired nor - -"

21 ACTING PRESIDENT: Objection sustained.  
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1 Q Why did OSHIMA say that Japan should shoulder  
2 the obligation of fighting Great Britain if an Anglo-  
3 German war should break out?

4 A He gave the following explanations: It was the  
5 general contention that when Japan and Germany should  
6 conclude such an assistance pact, then the Japanese side  
7 should shoulder the same obligations which Germany would  
8 shoulder.

9 Q What do you mean by equal obligations?

10 A In other words it means this, that whereas in  
11 the event of a possible Japanese -- Anglo-Japanese war,  
12 the German side agreed to participation in the war in  
13 principle. I am speaking of the fact that the situation  
14 should not be unilateral; that if the German side should,  
15 in the event of an Anglo-Japanese war, shoulder obliga-  
16 tions to participate in that war in principle, then in  
17 the event of a German -- Anglo-German war, the Japanese  
18 would in principle not recognize such obligations.  
19 That would be a very superficial and unilateral view.

20 Q Did Japan's obligations to participate in the  
21 war include the obligation to participate when Germany  
22 attacked Great Britain, or was it restricted solely to  
23 a case where Germany was attacked by Great Britain?  
24

25 MR. TAVENNER: If the Tribunal please.

ACTING PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: It appears to me that the re-  
2 direct examination is going far beyond the cross-  
3 examination and is of a highly hypothetical nature.

4 ACTING PRESIDENT: Yes, and somewhat repetitious.

5 MR. SHIMANOCHI: May I reply, your Honor?

6 ACTING PRESIDENT: You may.

7 MR. SHIMANOCHI: I do not believe that my re-  
8 direct is exceeding the bounds of cross-examination.  
9 The prosecutor has charged that OSHIMA advocated the  
10 signing of a treaty that was aggressive, and therefore  
11 it is always important that the defense should prove  
12 that this treaty was not offensive in character, but  
13 defensive.

14 Secondly, the prosecutor has charged that my  
15 question was hypothetical, but I was asking the wit-  
16 ness actually under what circumstances Japan would be  
17 obliged to enter the war, and I was not dealing with  
18 hypotheses; I was dealing with actualities.

19 Furthermore, in relation to this question, on  
20 record page 33,774 counsel for the prosecution asked  
21 the following question:  
22

23 "Did not you and OSHIMA advocate that if  
24 Germany should be involved in a war with Great Britain,  
25 Japan should participate in this war?" and to this  
question the witness replied:

1 MR. TAVENNER: It appears to me that the re-  
2 direct examination is going far beyond the cross-  
3 examination and is of a highly hypothetical nature.

4 ACTING PRESIDENT: Yes, and somewhat repetitious.

5 MR. SHIMANOUCHI: May I reply, your Honor?

6 ACTING PRESIDENT: You may.

7 MR. SHIMANOUCHI: I do not believe that my re-  
8 direct is exceeding the bounds of cross-examination.  
9 The prosecutor has charged that OSHIMA advocated the  
10 signing of a treaty that was aggressive, and therefore  
11 it is always important that the defense should prove  
12 that this treaty was not offensive in character, but  
13 defensive.

14 Secondly, the prosecutor has charged that my  
15 question was hypothetical, but I was asking the wit-  
16 ness actually under what circumstances Japan would be  
17 obliged to enter the war, and I was not dealing with  
18 hypotheses; I was dealing with actualities.

19 Furthermore, in relation to this question, on  
20 record page 33,774 counsel for the prosecution asked  
21 the following question:

22 "Did not you and OSHIMA advocate that if  
23 Germany should be involved in a war with Great Britain,  
24 Japan should participate in this war?" and to this  
25 question the witness replied:

1 "We believed that we must bear the obligation."

2 ACTING PRESIDENT: You have argued that far  
3 enough. We take up too much time arguing these ques-  
4 tions of admission of evidence. I think you have gone  
5 into this matter most thoroughly.

6 Objection sustained.  
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1 Q During the course of your cross-examina-  
2 tion you stated that you knew that OSHIMA submitted  
3 his views in regard to the proposed pact to the  
4 Japanese Government, but that you didn't know whether  
5 he urged his views on the government. But, on the  
6 other hand, you have also testified that OSHIMA  
7 urged the Japanese Government to accept his views  
8 in regard to the pact. Which reply is correct?  
9

10 A If my memory serves me right, the latter  
11 answer I am said to have given is to the effect  
12 that whether I stated OSHIMA had prevailed upon the  
13 Japanese Government to accept his views and opinions  
14 on the pact, I think my expression was that Ambassador  
15 OSHIMA urged the Japanese Government to accept his  
16 views and opinions, and my answer was "Yes" to the  
17 question whether or not he had urged the Japanese  
18 Government, and not whether he had prevailed upon  
19 or appealed to the Japanese Government to accept  
20 his views.

21 Q What does "urge" mean, practically speaking?

22 MR. TAVENNER: If it please the Tribunal, it  
23 seems that the questions are becoming argumentative.  
24 The witness's answers are plain. I object to further  
25 questioning on that point in that manner.

ACTING PRESIDENT: I don't understand the ..

1 question. Will the court reporter read it?

2 (Whereupon, the last question  
3 was read by the official court reporter.)

4 Objection overruled.

5 BY MR. SHIMANOUCI:

6 Q Please reply.

7 A I made my reply to the prosecutor which  
8 you have just read back to me in the following mean-  
9 ing, that is, with the following facts as the basis  
10 for my reply. The facts of which I speak are these:  
11 that after Ambassador OSHIMA submitted his views  
12 and opinions on the government, the return instruc-  
13 tions of the government stating whether it was accept-  
14 ing or not accepting his views and opinions did not  
15 come for a long time.

16 ACTING PRESIDENT: We will recess for fifteen  
17 minutes.

18 (Whereupon, at 1045, a recess was  
19 taken until 1100, after which the proceed-  
20 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 BY MR. SHIMANOUCI (Continued):

4 Q Witness, please continue your reply.

5 ACTING PRESIDENT: You were asked the ques-  
6 tion, what you meant by urge. It does not require a  
7 long dissertation to answer that question. You can  
8 answer it in just a few words.

9 A It was to urge the Japanese Government to  
10 send a reply.

11 Q During the course of these negotiations  
12 did you know of any occasion when OSHIMA disregarded  
13 or disobeyed the instructions of the Japanese Govern-  
14 ment?

15 A No.

16 Q One final question. To return to the problem  
17 of Germany's becoming involved in a war if Japan were  
18 to shoulder the obligation of aiding Germany, in such  
19 a case under what circumstances would Japan be  
20 obliged to aid Germany?

21 MR. TAVENNER: If the Tribunal please, that  
22 certainly is a hypothetical question, not based on  
23 any facts brought out in this witness' testimony. It  
24 presupposes going into matters which were not the  
25 subject of this man's testimony.



1 MR. SHIMANOUCI: This question refers to  
2 the prosecutor's question asked on record page 33,774.  
3 As I said before, the prosecutor then asked the ques-  
4 tion, if Germany were to fight Great Britain, would  
5 Japan go to war, did OSHIMA advocate that Japan must  
6 participate in that war; and the witness replied that  
7 he thought Japan should shoulder the obligation of  
8 going to war. Therefore I asked the witness my  
9 present question to find out whether under such  
10 circumstances Japan was to go to war unconditionally  
11 or whether it was otherwise?

12 ACTING PRESIDENT: You have already gone  
13 into that. Objection sustained.

14 MR. SHIMANOUCI: This concludes my redirect.  
15 May the witness be excused on the usual terms?

16 ACTING PRESIDENT: He may be so excused.

17 (Whereupon, the witness was excused.)

18 Mr. Mattice.

19 MR. MATTICE: We now call the accused MATSUI,  
20 Iwane to the stand.  
21

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1 I W A N E M A T S U I, an accused, being first  
2 duly sworn, testified through Japanese inter-  
3 preters as follows:

4 DIRECT EXAMINATION

5 BY MR. MATTICE:

6 Q Mr. MATSUI, you are one of the accused in  
7 this trial, are you not?

8 A Yes, I am.

9 MR. MATTICE: May the witness be handed  
10 defense document 2738?

11 (Whereupon, a document was handed to  
12 the witness.)

13 Q Will you examine the instrument which has  
14 been handed you, defense document 2738, and tell this  
15 Tribunal whether that is your affidavit?

16 A This is my affidavit.

17 Q I understand there are some corrections  
18 which you desire to make in the affidavit.

19 A Yes, there are two corrections I should like  
20 to make.

21 Q What is the first one?

22 A The first correction is to be made in para-  
23 graph numbered 6. This is page 12 of the English  
24 text of the affidavit, the second line, where it  
25 says "I left on the 20th," this should be, "I left

1 on the 21st."

2 The second correction is to be made on  
3 page 21 of the English text, the middle of the  
4 paragraph numbered 11. The pertinent passage is to  
5 be found on line 3 of page 21: "I went to Admiral  
6 Kaney," should read, "I went to Admiral Yarnell."

7 Q With those corrections, General, are the  
8 matters and things set forth in your affidavit true?

9 A Yes.

10 MR. MATTICE: Offer it in evidence, if the  
11 Tribunal please.

12 ACTING PRESIDENT: It will be admitted.

13 CLERK OF THE COURT: Defense document 2738  
14 will receive exhibit No. 3498.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 3498 and received in evidence.)

18 MR. MATTICE: I will now read exhibit 3498,  
19 omitting the formal parts, beginning with the paragraph  
20 numbered 1:

21 "1. The motive and object of the Japanese  
22 Government for the despatch of its troops to the  
23 southern part of Chiangsu Province in 1937.

24 "Owing to the discord between Japan and  
25 China in North China in July 1937, an anti-Japanese

1 movement among the Chinese army and civilians in  
2 Shanghai district grew intense day by day. The  
3 Chinese Army, disregarding the Truce Agreement  
4 concluded in 1932, persistently concentrated its  
5 troops around the Japanese settlement in Shanghai,  
6 threatened the Japanese troops and residents there,  
7 finally leading to the assassination of Sub-Lieutenant  
8 OYAMA on August 9, and the Japanese troops and resi-  
9 dents were exposed to danger. Therefore, the Japanese  
10 Government, realizing the necessity of quickly re-  
11 nforcing its naval force there in order to protect  
12 the lives and interests of Japanese residents, decided  
13 on 15 August to hurriedly dispatch to Shanghai an  
14 Expeditionary Force consisting of 3d and 11th (one  
15 brigade less) divisions. I was appointed the Commander  
16 in Chief and the troops were sent successively to  
17 Shanghai on board warships on and after 20 August of  
18 the same year.

19 The object and mission of the Expeditionary  
20 Force was to reinforce our naval force and protect the  
21 lives and property of our residents in and about  
22 Shanghai.

23 "2. The reason why I, a reserve officer, was  
24 specially appointed Commander in Chief and the state of  
25 my mind at that time.



1 "During my forty years' service in the Army,  
2 i.e., from 1894, the year in which I entered Military  
3 Preparatory School, up to 1935, the year in which I  
4 was placed on the reserve list, I was in the following  
5 positions successively: A member of General Staff  
6 Headquarters, Chief of Second Section, General Staff  
7 Headquarters, Commander of 11th Division, Commander in  
8 Chief of the Taiwan Army, etc. During my military  
9 career, I was stationed in North and South China for  
10 about twelve years altogether and not only did I  
11 do my best during this time to bring about cooperation  
12 between Japan and China, but also, since my younger days  
13 all through my life I worked hard so that Japan and  
14 China could be on friendly terms and that Asia could  
15 be built up again. The greater part of my work in  
16 the Army was also in line with these ideals.

17 "In 1937, the Shanghai Incident broke out  
18 and the Expeditionary Force was despatched there in  
19 haste. The Minister of War himself told me that the  
20 reason why I, who had been on the reserve list, was  
21 appointed the Commander was because of my past experience  
22 referred to above.

23 "My appointment was due to the fact that at  
24 that time the Japanese Government's policy towards  
25 China was to settle the Incident locally as soon as



1 possible and to prevent the armed conflict from  
2 spreading.

3 "I was always firm in the belief that the  
4 strife between Japan and China was a quarrel between  
5 brothers in the so-called 'household of Asia' and  
6 that it was an unavoidable expedience for Japan to  
7 rescue by force the Japanese residents in China and  
8 to protect our endangered rights and interests. It  
9 was no different from an elder brother thrashing his  
10 young and recalcitrant brother after putting up with  
11 him for so long. The action was to make China come  
12 to her senses, not out of hatred, but out of love.  
13 Therefore, when I assumed the command of the  
14 Expeditionary Force I promised myself to settle the  
15 trouble between Japan and China on this belief and  
16 hoped to make the despatch of the Expeditionary  
17 Force not a cause of mutual enmity but something that  
18 would help to bring about friendly relations and co-  
19 operation between the two nations. So I demanded of  
20 my officers that they make every one of their men  
21 thoroughly understand the true meaning of the  
22 expedition in question. The following points were the  
23 gist of my instructions I gave to the troops upon their  
24 dispatch:  
25

"(1) Fighting in the vicinity of Shanghai

1 possible and to prevent the armed conflict from  
2 spreading.

3 "I was always firm in the belief that the  
4 strife between Japan and China was a quarrel between  
5 brothers in the so-called 'household of Asia' and  
6 that it was an unavoidable expedience for Japan to  
7 rescue by force the Japanese residents in China and  
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18 would help to bring about friendly relations and co-  
19 operation between the two nations. So I demanded of  
20 my officers that they make every one of their men  
21 thoroughly understand the true meaning of the  
22 expedition in question. The following points were the  
23 gist of my instructions I gave to the troops upon their  
24 dispatch:

25 "(1) Fighting in the vicinity of Shanghai

1 is only aimed at the subjugation of the Chinese  
2 troops challenging us, therefore, the Chinese  
3 officials and people should be pacified and protected  
4 as much as possible.

5 "(2) Always bear in mind not to bring  
6 troubles upon any foreign residents and troops and  
7 keep in close contact with the foreign authorities  
8 and armies in order to avoid misunderstanding.

1 "3. The fighting situations in and about  
2 Shanghai. The Shanghai Expeditionary Force arrived  
3 one unit after another in Maan Islands at the mouth  
4 of the Yangtze River on and after August 22. At this  
5 juncture a report was received that the troops and  
6 residents in Shanghai were in danger. So at dawn on  
7 August 24 I tried hurriedly to disembark the arriving  
8 troops at Woosung and also along the bank farther up  
9 the river to establish communications with the Japanese  
10 Naval Force, by driving out the Chinese troops who were  
11 occupying the position there.

12 "However, according to the reports received the  
13 number of the Chinese troops stationed in Shanghai and  
14 along the banks of the Yangtze River, west of Shanghai,  
15 was approximately estimated at a hundred thousand and  
16 they sought our landing troops everywhere and made violent  
17 attacks. After 15 or 16 days of bitter fighting and at  
18 great sacrifice, the Expeditionary Force finally  
19 succeeded in securing a position along the bank. But the  
20 Chinese counter-attacks intensified more and more, and  
21 their force, being reinforced from Nanking and Hangchow  
22 areas, reached more than 30 or 40 divisions. In meeting  
23 this, our Expeditionary Force was also reinforced in  
24 proportion and on November 5, 10th Army-(more than 3  
25 divisions) under Lt.-Gen. YANAGAWA was landed on the



coast of Chekiang Province to cooperate with the Force.

1 Thus, the Expeditionary Force, after fighting desperately  
2 for more than two months, was barely able to drive the  
3 Chinese Army out from the vicinity of Shanghai and to  
4 occupy the city towards the end of October and the  
5 beginning of November, giving security to the Japanese  
6 residents.

7 "During the fighting what attracted my attention  
8 especially were as follows: The anti-Japanese sentiment  
9 of the Chinese officials and people around Shanghai was  
10 very strong, and the guard unit of Chiang Kai-shek was  
11 most daring in counter-attacks.

12 "With their retreat route blocked by their super-  
13 vising troops, other various units also resisted  
14 stubbornly but were finally driven back in confusion.  
15 Before their retreat, the Chinese troops adopted the  
16 so-called 'clearance tactics' and either destroyed or  
17 burnt main transportation facilities and buildings. Some  
18 of them changed their uniforms to plain clothes, and  
19 turned guerrillas, sniping at our soldiers and threatening  
20 our rear. The local people also cooperated with their  
21 troops by cutting telegraph wires or arranging signal  
22 fires, jeopardizing our troops to no end. I was also  
23 aware of many instances where the troops and nationals  
24 of England, America, France, etc., in sympathy with the  
25

1 Chinese troops, intentionally gave assistance to them  
2 and obstructed our military movements in many ways.  
3 Furthermore, I felt keenly that the above-mentioned  
4 Chinese attitude and the long and bitter fighting had  
5 estranged the Chinese Army and people in Central China  
6 from the Japanese Army, causing a hostile feeling between  
7 the two. Meanwhile, I instructed my officers and men  
8 to give protection and be decent to the Chinese people  
9 and to have a regard for the foreign rights and interests  
10 in China. As one example of the results of this  
11 instruction the battle in Nanshi (southern district of  
12 Shanghai) ended, as I had ordered, without causing any  
13 damage to the district.

14 "4. The Organization of the Central China Area  
15 Army and the circumstances that lead to the decision to  
16 attack Nanking.

17 "Immediately after the 10th Army's landing at  
18 Hangchow Bay on 5 November 1937, what was the Shanghai  
19 Expeditionary Force and the 10th Army were organized into  
20 the Central China Area Army. I was then appointed the  
21 Commander of this new Army. For a while I served as the  
22 Commander of the Shanghai Expeditionary Force concurrently.  
23

24 "The Central China Area Army Headquarters was  
25 over the Shanghai Expeditionary Force Headquarters and the  
10th Army Headquarters, and its mission was to unify the

1 command of these two units. However, since it had only  
2 seven staff officers, its duty was limited to giving  
3 operational instructions to the two headquarters, and  
4 had no authority to dispose the entire intendance and  
5 medical matters of the army in general.

6 "Therefore, after I was relieved from my concurrent  
7 post on December 7, i.e., the Commandership of the  
8 Shanghai Expeditionary Force, my relation with the  
9 officers and men in the field in regard to the command  
10 and supervision was entirely indirect.

11 "The Central China Area Army, after driving the  
12 Chinese Army out of the Shanghai area, occupied the line  
13 between Chiahsing in Chekiang Province, Soochow and  
14 Changchow in Kiangsu Province and sought to maintain  
15 peace and order in the Shanghai area.

16 "However, the Chinese Army, with Nanking as its  
17 base, kept up with the large-scale battles which were then  
18 in progress in North China and concentrated a great  
19 number of troops from other districts to prepare for  
20 attack against Japan in Kiangsu and Chekiang provinces.  
21 The situation grew so bad that unless the Chinese base of  
22 operations around Nanking was captured, it was impossible  
23 to maintain peace and order and to protect our interests  
24 in Central China. Consequently, Japan decided to capture  
25 Nanking to restore public peace in the southern part of

1 Chingsu province, and the Imperial Headquarters ordered  
2 our Central China Area Army to seize Nanking in coopera-  
3 tion with the Navy. Our army thus commenced a quick  
4 offensive operation against Nanking in spite of many  
5 difficulties.

6 "5. Measures taken at the time of capture of  
7 Nanking and the so-called cases of plunder and outrage  
8 in Nanking.

9 "In accordance with the standing policy of our  
10 government to localize the area of battle as much as  
11 possible, and because of my long years of idea to bring  
12 about cooperation and prosperity between Japan and China,  
13 I took, in capturing Nanking, every precaution not to  
14 make this campaign a cause of struggle for the entire  
15 Chinese population. As explained before, my experience  
16 in the fighting around Shanghai made me feel the necessity  
17 of this more than ever. Regarding the various precaution-  
18 ary measures I took at that time to maintain military  
19 discipline and morale, and my other actions to help to  
20 enforce discipline, I will not state again since the  
21 witness NAKAYAMA, Yasuto already testified thereof in  
22 detail.

23 "Notwithstanding my scrupulous care in capturing  
24 Nanking, in the busy and unsettled condition at that time,  
25 it may have been some excited young officers and men



1 committed unpleasant outrages, and it was to my great  
2 regret and sorrow that I, afterward, heard rumors of  
3 such misconduct. At the time of capturing Nanking I  
4 was sick in bed at Soochow, some 140 miles away, and  
5 I was unaware of any such outrages committed contrary  
6 to my orders and received no reports thereof. After  
7 entering Nanking on 17 December, I heard about it for  
8 the first time, from the Commander of the Kempei unit,  
9 and I, at once, ordered every unit to investigate  
10 thoroughly and to punish the guilty men.

11 "However, it is a well-known fact that, in war  
12 time, the Chinese troops and some outlaws almost always  
13 commit acts of violence and looting by taking advantage  
14 of the confusion. Not a few of those crimes were  
15 committed by the Chinese troops and peoples when Nanking  
16 fell, so to hold the Japanese officers and men responsible  
17 for all the crimes is to distort the facts.

18 "A ceremony for entering Nanking was held on  
19 17 December, and on the following day a memorial service  
20 for the dead was quietly held at the airfield. On the  
21 19th I inspected through the city accompanied by 15 or  
22 16 officers and men, but fires had already been put out  
23 and the streets were calm, with many refugees returning  
24 to their homes. We saw only about twenty dead Chinese  
25 troops lying on the streets and the order within the

MATSUI

DIRECT

33,823

1 city was generally being restored. But the water works,  
2 electric facilities and important governmental and  
3 municipal buildings had been destroyed by the Chinese  
4 troops before the entry of the Japanese Army and there  
5 were comparatively few fires, the number of fire-destroyed  
6 houses being approximately 50 or 60.

MATSUI

DIRECT

33,823

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1 "In short, during my stay in Shanghai after  
2 the fall of Nanking until February, 1938, the only thing  
3 I heard was a rumor towards the end of December 1937 to  
4 the effect that there were some cases of illegal acts  
5 in Nanking but I had received no official report about  
6 such fact. I hereby definitely state that the U.S.  
7 Army's broadcast in Tokyo after the war's end concerning  
8 the alleged large-scale massacre and outrage as has been  
9 asserted by the prosecution in this Court was the first  
10 time that I ever heard anything about it. After I heard  
11 the broadcast I tried to investigate the activities of  
12 our Army subsequent to our capture of Nanking, however,  
13 the responsible persons at that time were already dead  
14 or detained and punished overseas, while the documents  
15 concerned were destroyed by fire. It is impossible to  
16 go back ten years and investigate and study the true  
17 situation in detail.

18 "It is possible that a great number of Chinese  
19 soldiers and civilians were killed or wounded by bombs,  
20 artillery shells and rifle bullets during the Nanking  
21 campaign, but I do believe that there is not a bit of  
22 truth in the prosecution's charge that there were cases  
23 of planned massacre in the fight of Nanking. Nothing  
24 can be farther from the truth than the slender that  
25 the staff of the Japanese Army ordered or tolerated the



1 above deeds.

2 "In view of the situation at that time, it is  
3 needless to say that I did everything in my power as  
4 commander of the Central China Area Army to take  
5 measures to prevent the occurrence of such unfortunate  
6 incidents to give severe punishment to the guilty and to  
7 compensate for the damages.

8 "However, it is to my great regret that the  
9 result was not perfect due to the hectic condition of  
10 wartime. (The contributing factors were that I was sick  
11 in bed at Suchow when Nanking was captured; that I  
12 stayed only five days in Nanking before leaving the  
13 city; that as the Commander of the Central China Area  
14 Army I had no direct authority over the officers and  
15 men in the field, as explained before).

16 "6. My actions after Nanking was captured:

17 "Staying for five days after entering Nanking  
18 on 17th December, I left on 21st December for Shanghai  
19 by water because of the necessity of commanding the Army  
20 in operation in the Chikiang area and after that I stayed  
21 in Shanghai. Here I was very busy in disposing the  
22 aftermath of war, such as negotiating with the local  
23 Chinese officials with regard to the maintenance of  
24 general peace and order and taking relief measures for  
25 the people; and getting in contact with the commanders

1 above deeds.

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3 needless to say that I did everything in my power as  
4 commander of the Central China Area Army to take  
5 measures to prevent the occurrence of such unfortunate  
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20 in operation in the Chikiang area and after that I stayed  
21 in Shanghai. Here I was very busy in disposing the  
22 aftermath of war, such as negotiating with the local  
23 Chinese officials with regard to the maintenance of  
24 general peace and order and taking relief measures for  
25 the people; and getting in contact with the commanders

1 of the British and American navies and the other foreign  
2 military and civilian officials in the area to look  
3 after whatever incidents that occurred during the  
4 campaign. This was because the Central Chinese Area  
5 Army, after the complete occupation of Nanking and after  
6 my return to Shanghai, was ordered by the central author-  
7 ity to concentrate its efforts in securing the entire  
8 areas south of the Yangtze and East of Nanking, especial-  
9 ly the neighborhood of Shanghai.

10 "Incidentally, when I heard the rumor of out-  
11 rages in Nanking after returning to Shanghai, I issued  
12 a warning again to the officers and men then staying  
13 in Nanking by despatching especially one of my subordinate  
14 staff officers at the end of 1937 and ordered a thorough  
15 investigation of the rumor and quick punishment for any-  
16 body found to be guilty. However, up to the time of my  
17 leaving the post, I received no authentic reports con-  
18 cerning the above matters.

19 "Besides the maintenance of public peace and  
20 order in the above-mentioned occupied areas, I felt the  
21 necessity of negotiations for a general peace movement  
22 with the Government of Chiang Kai-shek. I urged the  
23 Chinese key officials in the neighborhood of Shanghai  
24 to make efforts in this connection and especially  
25 despatched envoys to Foochow and Canton and had them



1 communicate with Chen yi and Sung Tzu-wen. However,  
2 simultaneously with the reorganization of the Central  
3 Chinese Area Army in the latter part of February, I was  
4 dismissed from the post of the Army Commander and  
5 returned to the home. I am still regretting the fact  
6 that I had missed the chance of continuing my efforts  
7 for attaining the above object.

8 "7. The fact that a meeting was held among  
9 attaches in Berlin in 1929:

10 "When I was dismissed from the post of Chief  
11 of 2nd Section, General Staff Headquarters in December,  
12 1928, I thought of making a trip to various countries  
13 in Asia and in Europe, and in January, 1929, I started  
14 on my tour of inspection of French Indo-China, Siam,  
15 British Malaya, India and other European countries.  
16 Just when I was passing Berlin in April, 1929, military  
17 attaches stationed in various nations in Europe, taking  
18 the opportunity of my arrival there, got together with  
19 the object of renewing friendship. It was not an official  
20 conference and there was no particular purpose.

21 "It was presided over by Major General OMURA,  
22 Yurin, attache in Berlin, and the meeting was of social  
23 nature. It was not a conference called and sponsored by  
24 me. Moreover, as I mentioned before, at that time I had  
25 already been dismissed from the post of Chief of 2nd



1 Section, General Staff Headquarters and, as a mere  
2 lieutenant general, I had no official power to sponsor  
3 a conference among the attaches of various embassies.  
4 In short, it was only a social meeting and nothing was  
5 decided upon with regard to the problems of the time,  
6 and no particular items were on the agenda. It was  
7 merely an informal, round-table discussion at which the  
8 attaches expressed their opinions on the situations in  
9 Europe. Accordingly, no minutes were taken and I had  
10 made no report thereof to my superior after my return  
11 to Japan. At the meeting I was seated in the seat of  
12 honor only as a visitor who came to that part of the  
13 world from afar. On this point, the contents of the  
14 prosecution exhibit No. 733 is contradictory to the state-  
15 ment I made to the prosecution. I find what seem to be  
16 mistranslations in the records of investigation prepared  
17 by the prosecution.

18 "8. The relation between my appointment as  
19 a member of the Supreme War Council or a cabinet advisor  
20 and the foreign policies of the Government:

21 "A supreme war councillor is mainly given a  
22 temporary mission regarding the education and training  
23 within the Army and he is not to meddle in anything at  
24 any time, especially in foreign affairs.

25 "A cabinet advisor was appointed mainly as a

1 consultative agency because of the political situations  
2 in Japan and abroad in those days, and had no substantial  
3 authority. Such being the case, while I was in these  
4 positions, my opinion was never taken up concerning the  
5 China and Asiatic problems, etc., and I myself never  
6 offered my own opinion.

7 "9. The object of the Greater Asia Association  
8 which was established by me and the account of its  
9 activities, especially the true picture of the Asia  
10 movements for which I negotiated with Mr. Chin Te-chun  
11 in Peipin:

12 "For many years, it had been my regret to see  
13 Asia invaded by Europeans and Americans, and I had been  
14 praying for the reconstruction of Asia by the people  
15 of Asia. In view of a marked alienation between Japan  
16 and China, since the Manchurian Incident, it was my  
17 desire that the peoples of these two nations look at the  
18 whole situation instead of being sentimental about small  
19 matters and misunderstanding each other. So, in order  
20 to give impetus to the movement of the 'Greater Asianism'  
21 among interested persons in Japan and China, I established  
22 the Greater Asia Association together with men of the  
23 same views in 1933. This was not a political organiza-  
24 tion but it was a kind of an organization to study  
25 social culture. Its object was to reconstruct Asia by

1 spreading the principle of Wang Tao-- the idea which  
2 has been transmitted for thousands of years from  
3 generation to generation in China and Japan, by bring-  
4 ing about a state of co-existence and co-prosperity  
5 for the entire Asiatic people; and finally by contri-  
6 buting to the humanity as a whole in its peaceful  
7 development. (Defense document No. 2234). The number  
8 of Japanese members of the Association had reached more  
9 than two thousand but, due to the lack of funds, it  
10 was unable to do anything special.

11 "In 1935 and 1936 I personally saw China,  
12 travelling south and north, and endeavored for the  
13 accomplishment of this movement, planning for a campaign  
14 with my old friends in China. But for years in China the  
15 'Greater Asianism' had already been widely advocated by  
16 Sun Wen, the former President of the Chinese Republic.  
17 So, China wanted to propagandize the 'Greater Asianism'  
18 by herself. Hoping that her movement and ours in Japan  
19 would be in line with each other in reaching the common  
20 objective, I talked with the interested men in Peipin  
21 and Tientsin in the fall of 1935, and in the spring of  
22 1936 there was established 'the Chinese Greater Asia  
23 Association' among the learned in North China. It is  
24 true that in this regard I persuaded Mr. Chin Te-chun,  
25 then the mayor of Peipin. However, the contents of the



1 affidavit presented in this Court the other day by  
2 Mr. Chin do not agree with his words and statements at  
3 that time (defense document No. 2234). Besides, our claim  
4 was not necessarily to drive out Europeans and Americans  
5 from Asia. What I advocated was that the Europeans and  
6 Americans, who were our friends and wanted to cooperate  
7 with us in bringing about happiness to the Asiatic  
8 people, should join us in our idea of co-prosperity  
9 and co-existence. My statements issued in those days  
10 will verify this fact. (Defense documents No. 2500,  
11 2501, 2628.)



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8 people, should join us in our idea of co-prosperity  
9 and co-existence. My statements issued in those days  
10 will verify this fact. (Defense documents No. 2500,  
11 2501, 2628.)

1           "10. The object and activities of the Dai  
2 Nippon Asia Development League and the Dai Nippon Asia  
3 Development Association.

4           "The Dai Nippon Asia Development League was  
5 established at the time of the First KONOYE Cabinet,  
6 combining then numerous organizations engaged in  
7 developing Asia. The Imperial Rule Assistance Associa-  
8 tion was just organized also, and the league was organ-  
9 ized into and came under the supervision of this asso-  
10 ciation in order to act in accordance with the govern-  
11 ment's foreign policy. However, due to the frequent  
12 changes of cabinets caused by the development of our  
13 domestic and foreign policies, the Asia Development  
14 League was constantly compelled to reorganize itself  
15 and change the sphere of activities. All it could  
16 do and did was to get in contact with various cultural  
17 organizations in China and Manchukuo with a view to  
18 asking their cooperation. Besides that nothing con-  
19 crete was accomplished. The reason why I was in the  
20 position of vice-president or adviser of the League  
21 from the beginning of its establishment was due to my  
22 past relation with the Greater Asia Association ever  
23 since it came into existence.

24           "As the result of the frequent changes in the  
25 organization of the above-mentioned Asia Development

1 League, it was reorganized and changed its name as Dai  
2 Nippon Asia Development Association at the time of  
3 KOISO Cabinet in 1944. As to its organization and  
4 activities, it was placed under the supervision and  
5 guidance of the government, but the body itself was of  
6 cultural nature, composed of interested civilians in  
7 the truest sense of the term. With the progress of the  
8 Pacific War, however, the inconvenience in communica-  
9 tions and the acute situation at home and abroad pre-  
10 vented it from starting any concrete movements, and the  
11 result was that it was only able to publish its organ  
12 and give some guidance for the students and citizens  
13 from various countries in Asia residing in Japan.  
14 Because of my past connection with this association, I  
15 took charge of its management, but the war came to an  
16 end before long, and I was obliged to dissolve it with-  
17 out making any great contribution to it.

18 "11. The Ladybird Incident and other foreign  
19 affairs.

20 "About the 12th December 1937 I received a  
21 report that some artillery unit belonging to the 10th  
22 Army bombarded a British gunboat in the neighborhood  
23 of Wuhu. I ordered my Chief of Staff to investigate  
24 it immediately. According to his report, about the  
25 11th of December the Chinese troops were retreating on

1 the Yangtze River by large and small ships, and many of  
2 their ships were deceitfully displaying foreign flags.  
3 Hereupon, Lieutenant General YANAGAWA, Commander of the  
4 10th Army, ordered firing upon these ships with the  
5 retreating Chinese soldiers on board. So when Colonel  
6 HASHIMOTO located several ships sailing with the Chi-  
7 nese soldiers in the morning of 12th on the fog-  
8 covered Yangtze River, he opened fire. The Ladybird  
9 happened to be among this group of ships.

10 "Accordingly I immediately ordered the Com-  
11 mander of the 10th Army to tender his apology to the  
12 British Naval Commander-in-Chief there. I, myself,  
13 returned to Shanghai from Nanking, called on Admiral  
14 Little of the British Navy without delay and apologized  
15 to him for the incident. He fully understood my in-  
16 tention and promised me that he would transmit my  
17 apology to his government.

18 "The bombing of the U.S.S. Panay was executed  
19 by a Navy plane by mistake, and the plane was not under  
20 my command and I had nothing to do with it at that time.  
21 However, since it was an unfortunate incident caused  
22 by the Japanese forces, I went to Admiral Yarnell,  
23 the U.S. Navy Commander, without delay upon my return  
24 to Shanghai and expressed my regret to him, thus ob-  
25 taining his understanding about the above event.



1 "I protected peaceful people and respected  
2 the rights and interests of foreign powers was as  
3 mentioned before. After completing somehow the Shang-  
4 hai and Nanking battles I visited Admiral Little of  
5 the British Navy and Admiral Yarnell of the U. S. Navy,  
6 and tried to promote a better understanding between them  
7 and myself. I expressed my regret to them concerning  
8 unfortunate losses suffered by England and America  
9 and their governments and peoples. I also met the  
10 French Ambassador and the French Navy Commander-in-  
11 Chief and exchanged opinions about what to do with  
12 the French Concession and Nanshi, and we reached an  
13 understanding.

14 "I expressed my profound gratitude to Reverend  
15 Jackinough who did a great deal in giving protection  
16 to the residents in Nanshi, and contributed ten thou-  
17 sand yen to him for his work. In this way I tried to  
18 alleviate the bitter effect of war.

19 "12. Casualties on both sides at the front  
20 in the southern area of the Yangtze River, and the  
21 tribute paid to the dead.

22 "The number of the Japanese officers and men  
23 who were killed or died from diseases during the time  
24 of the fighting at Shanghai, Nanking, etc., reached  
25 more than 21,000, and together with the sick and

1 wounded the number of casualties amounted to more than  
2 80,000.

3 "I deny that there were many cases of massacre  
4 as maintained by the Chinese witnesses, but I think  
5 there were many victims of Chinese soldiers and people  
6 during that period, and among them there were not a  
7 few who suffered from cholera, typhoid fever, dysen-  
8 tery, etc. prevailing at Shanghai and in the Chinese  
9 Army at that time. Actually the number of Japanese  
10 officers and men contracted these diseases reached  
11 several hundred, and more than one hundred soldiers  
12 died of them.

13 "To my way of thinking, when the two races  
14 of Chinese and Japanese ought to have cooperated with  
15 each other as brethren in the nature of things, it was  
16 indeed a calamity that they should have struggled  
17 against each other at the cost of a tremendous number  
18 of lives, and I cannot help but feel profound regret  
19 for this sad event.  
20

21 "It was my fervent hope that the incident  
22 would give an opportunity for the two races to live  
23 in harmony, and that those who sacrificed their lives  
24 would serve as a cornerstone of new Asia.

25 "After returning home I built a temple near  
my temporary abode at Mt. Izu, Atami, and enshrined

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25 "After returning home I built a temple near  
my temporary abode at Mt. Izu, Atami, and enshrined

1 the souls of those victims of the two countries and  
2 prayed for the repose of their souls. Moreover, I  
3 built the statue of Kwannon, the Goddess of Mercy,  
4 in the precincts of the temple with the soil brought  
5 from the blood-covered fields of battle in the southern  
6 area of the Yangtze River. And with the help of her  
7 great virtues, I have been day and night offering,  
8 like other people who have faith in this Kwannon,  
9 prayer's for the repose of all the souls of friends  
10 and foes, for the light of East Asia, and finally for  
11 the coming of the peace of the world.

12 "On this 14th day of October, 1947."

13 Signed by "MATSUI, Iwane."

14 You may cross-examine.

15 ACTING PRESIDENT: Brigadier Nolan.

16 BRIGADIER NOLAN: May it please the Tribunal.

17 CROSS-EXAMINATION

18 BY BRIGADIER NOLAN:

19 Q General MATSUI, I propose to ask you some  
20 questions arising out of the statements contained in  
21 your affidavit, exhibit 3498, taking up the matters  
22 in the order in which they appear in the affidavit  
23 itself. Have you in your possession now the original  
24 of your affidavit in Japanese?  
25

A I do not.



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2 prayed for the repose of their souls. Moreover, I  
3 built the statue of Kwannon, the Goddess of Mercy,  
4 in the precincts of the temple with the soil brought  
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21 your affidavit, exhibit 3498, taking up the matters  
22 in the order in which they appear in the affidavit  
23 itself. Have you in your possession now the original  
24 of your affidavit in Japanese?  
25

A I do not.

1 BRIGADIER NOLAN: May the witness be sup-  
2 plied, please, with it?

3 (Whereupon, a document was handed  
4 to the witness.)

5 Q Now, in the first paragraph on page 2 of the  
6 English translation of your affidavit, it is stated  
7 that the Japanese Government decided on the 15th of  
8 August to hurriedly dispatch to Shanghai an expedition-  
9 ary force, and that this expeditionary force consisted  
10 of the 3d and the 11th Divisions less one brigade of  
11 the latter division.

12 Before you left Tokyo to take command of this  
13 Shanghai Expeditionary Force did you ask for more  
14 divisions to be sent with you?

15 A I desired that the divisions -- the number  
16 of divisions be increased.

17 Q That they be increased to five in number?

18 A Yes.

19 Q Why did you want them increased to five?

20 A Since about that time reports were coming  
21 into Japan that the number of Chinese troops in Shang-  
22 hai and vicinity was about 100,000, it was believed  
23 it would be appropriate if a strength of five divi-  
24 sions were sent in order to meet the situation.

25 Q As a matter of fact, the Shanghai Expeditionary

1 Force was brought up to a strength of five divisions,  
2 wasn't it?

3 A At first, as I have stated in my affidavit,  
4 there were only one and a half divisions. But in  
5 order to meet the demands of the situation in Shanghai  
6 and vicinity, troops were gradually increased to the  
7 point that the Shanghai Expeditionary Force alone  
8 consisted of five divisions, and the YANAGAWA Army  
9 of three divisions, bringing the total to eight divi-  
10 sions.

11 Q When did the Shanghai Expeditionary Force  
12 arrive at the point where it contained five divisions?

13 A During the first part of October it reached  
14 five divisions.

15 Q And the 10th Army landed in China on or about  
16 the 5th day of November 1937?

17 A Yes.

18 Q And that army, the 10th, was under the command  
19 of General YANAGAWA?

20 A Yes.

21 ACTING PRESIDENT: We will now adjourn until  
22 1:30.

23 (Whereupon, at 1200, a recess  
24 was taken.)  
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## 1 AFTERNOON SESSION

2  
3 The Tribunal met, pursuant to recess, at 1330.4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 ACTING PRESIDENT: Brigadier Nolan.

7 I W A N E M A T S U I, an accused, resumed the stand  
8 and testified through Japanese interpreters as  
9 follows:

## 10 CROSS-EXAMINATION

11 BY BRIGADIER NOLAN (Continued):

12 Q General MATSUI, in your affidavit, in the  
13 English translation, at page 3, second paragraph, you  
14 make reference to the reason for your appointment as  
15 Commander-in-Chief of the Shanghai Expeditionary Force.  
16 During your military career you had spent approximately  
17 twelve years in China, had you not?  
18

19 A Yes.

20 Q And what were your appointments during that  
21 time? Tell me quite briefly, please.22 A In 1907 I was sent to Peking as Assistant  
23 Military Attache. Approximately three years later I  
24 was appointed military officer stationed in Shanghai  
25 and went to Shanghai. After serving about three years  
in Shanghai I returned to Japan for the time being.



1 In 1914 I went to China again and stayed there for  
2 about four and one-half years -- correction -- 1915.  
3 That was the time when Yuan Shih-kai had become the  
4 Emperor, and during this time I cooperated with Sun  
5 Yat-sen and other members of the Kuomintang in trying  
6 to overthrow Yuan Shih-kai.

7 Q And during this four and one-half year period  
8 what was your appointment?

9 A Military Attache in Shanghai -- military agent.

10 Q Military agent, General MATSUI?

11 A Yes.

12 Q Agent for whom?

13 A Military agent was a term then used for a  
14 Japanese military officer stationed in Shanghai.

15 Q Now, during this period I take it you visited  
16 Nanking?

17 A I went there --

18 ACTING PRESIDENT: May I interrupt you,  
19 Brigadier?

20 What is the difference between a military  
21 attache and military agent, in their duties?

22 THE WITNESS: A military attache acts in  
23 conjunction with the legation or embassy to which he  
24 is attached, but I, as military agent in Shanghai, was  
25 under the direct control of the general staff and

1 worked independently.

2 BY BRIGADIER NOLAN (Continued):

3 Q And what were your duties?

4 A My duty was that of a military agent in  
5 Shanghai.

6 Q And amongst other of your duties was it to  
7 examine the terrain in the vicinity of Shanghai and  
8 Nanking -- the topography?

9 A Yes, that was one of them.

10 Q And wasn't that the reason why, with your  
11 knowledge of the country, you were appointed commander-  
12 in-Chief in 1937?

13 A I don't think my knowledge of the topography  
14 of the area was of great importance. I believe that  
15 the primal consideration in my appointment, in appoint-  
16 ing me commander, was my friendship for leaders of the  
17 Kuomintang with whom I had become acquainted during  
18 my stay in Shanghai and Nanking.

19 Q Well, your knowledge of the area came in  
20 very useful later on, did it not?

21 A There may have been occasions on which it  
22 was of service.

23 Q Now, you say on the same page of your affi-  
24 davit that the intention was to settle the incident  
25 locally as soon as possible and to prevent the armed

1 worked independently.

2 BY BRIGADIER NOLAN (Continued):

3 Q And what were your duties?

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5 Shanghai.

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7 examine the terrain in the vicinity of Shanghai and  
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17 Kuomintang with whom I had become acquainted during  
18 my stay in Shanghai and Nanking.

19 Q Well, your knowledge of the area came in  
20 very useful later on, did it not?

21 A There may have been occasions on which it  
22 was of service.

23 Q Now, you say on the same page of your affi-  
24 davit that the intention was to settle the incident  
25 locally as soon as possible and to prevent the armed

1 conflict from spreading. I suggest to you that before  
2 you left Tokyo in 1937 you made known your desire to  
3 push on to Nanking after the capture of Shanghai?  
4

5 A I did have such thoughts at the time.

6 Q At the time you left Tokyo?

7 A Yes.  
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1           Q    Now, this "war of love" that you speak of at  
2 the foot of page 3 of the affidavit, what response did  
3 the Chinese make to these overtures of yours?

4           THE MONITOR: Will the court reporter read  
5 the question, please?

6           BRIGADIER NOLAN: If I may, I will redraw the  
7 question.

8           Q    Did the Chinese resist your armies at every  
9 turn?

10          A    Yes. But "resist" isn't the word. In the  
11 very beginning it was the Chinese that attacked us.  
12 They took the offensive.

13          Q    Well, when you took the offensive, they resisted  
14 your offensive, did they not?

15          A    Yes, of course.

16          Q    Now, on page 4 you speak of the expeditionary  
17 force being a means of bringing about friendly relations  
18 between the two nations. Now, at this time, which  
19 was late in 1937, you were not in favor of continuing  
20 negotiations with General Chiang Kai-shek, were you?

21          A    On one hand, our Japanese forces attacked the  
22 Chinese who threatened us, and on the other hand we  
23 conducted behind-the-scenes negotiations with Chiang  
24 and his regime for the conclusion of peace and conducted  
25 peace movements.

1 Q Did you advise your government to have nothing  
2 to do with Chiang Kai-shek at this time?

3 A No.

4 Q Did you express strong opinions to that effect?

5 A Since my thoughts were as I have just told  
6 you, to open peaceful negotiations with Chiang Kai-shek  
7 as quickly as possible, I did not voice such opinions.

8 Q Then your theory was to get on with the war  
9 in China as quickly as possible?

10 A My thoughts were to crush as quickly as possible  
11 the Chinese force opposed to us in the Shanghai-Nanking  
12 area and immediately to open peace negotiations.

13 Q After they were crushed?

14 A Yes.

15 Q Now, on page 6 of the English of your affidavit,  
16 General MATSUI, seven lines from the bottom, you make  
17 a very general statement of being "aware of instances  
18 where the troops and nationals of England, America,  
19 France, et cetera, in sympathy with the Chinese troops,  
20 intentionally gave assistance to them and obstructed  
21 our military movements in many ways."

22 What countries constitute the "et cetera" in  
23 that statement?  
24

25 A Almost all of the countries of Europe and  
America who were in or near Shanghai at the time were

1 in sympathy with the Chinese. The country which was  
2 directly aiding the Chinese was Germany. There were  
3 many German advisers to the Chinese forces.

4 Q Did any of these countries which you have  
5 mentioned make war upon Japan?

6 A No country made war on Japan.

7 Q Your point is that they were out of sympathy  
8 with Japan's expedition into China?

9 A They were not only out of sympathy with the  
10 Japanese side, but were actually giving help to the  
11 Chinese side. Spiritual help, moral help goes without  
12 saying; they even gave actual material help.

13 Q Now, what did they give?

14 A If I give you all the facts, they will be  
15 many in number. But to give one or two examples,  
16 Great Britain, for instance, was furnishing the Chinese  
17 troops in the vicinity of Shanghai with food and supply,  
18 equipment and arms.

19 When the Japanese forces were attacking the  
20 Chinese battery at Woosung, a French warship intentionall  
21 went through the Japanese lines and hindered the Japanese  
22 attack on Woosung.

23 Q Where was the French warship going, or do you  
24 know?

25 A It was lying outside Shanghai Harbor. But

1 when the Japanese began attacking Woosung battery,  
2 it came out and went up the Yangtze River.

3 Q Now, in the fourth numbered paragraph of your  
4 affidavit, on page 7, you refer to the organization of  
5 the Central China Army.  
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1           ACTING PRESIDENT: You can hardly hear  
2 that over the I.B.M. I suggest you repeat your  
3 question, Brigadier.

4           Q I was saying that on page 7 of your  
5 affidavit in the section numbered 4, you make  
6 reference to the organization of the Central  
7 China Army.

8           ACTING PRESIDENT: That should be, "Central  
9 Area Army."

10          Q (Continuing) I beg your pardon.

11               And, on that page, you say, and I read  
12 it to you, "However, since it," that is, the Head-  
13 quarters, "had only seven staff officers, its duty  
14 was limited to giving operational instructions to  
15 the two headquarters and had no authority to dis-  
16 pose the entire intendance and medical matters of  
17 the army in general." Now, by saying that it had  
18 no authority to dispose the entire intendance and  
19 medical matters, you mean, I take it, that it had  
20 no authority over such matters as rations, quarters,  
21 and pay, and medical services.

22           A That is what I meant.

23           Q And, when you say, in the following para-  
24 graph at the top of page 8, that your relation  
25 with the officers and men in the field, with regard

1 to the command and supervision, was entirely indirect,  
2 by that you mean that you exercised command through  
3 the commanders of the Shanghai Expeditionary Force  
4 and the 10th Army.

5 A Yes.

6 Q Because it is a fact that the 10th Army  
7 and the Shanghai Expeditionary Force were under your  
8 command.

9 A It is a fact that they were under my com-  
10 mand.

11 Q Was the answer "yes"?

12 THE MONITOR: Yes.

13 Q On page 9 of your affidavit, about the  
14 middle of the page, you say that some excited young  
15 officers and men may have committed unpleasant out-  
16 rages in Nanking.

17 Was there an answer?

18 A Yes, I said so. I did not see it with my  
19 own eyes, but I knew of it from reports.

20 Q Now, what were these unpleasant outrages?

21 A Rape, looting, forceful seizure of materials.

22 Q And murder?

23 A That, also.

24 Q And, from whom did you receive these reports?

25 A From the gendarmerie.

1 Q Now, you explained to us that at the time  
2 of capturing Nanking you were ill in bed at Soochow,  
3 140 miles away, and were unaware of the outrages  
4 committed. How did you hear that Nanking had  
5 fallen.

6 A From reports.

7 Q From whom?

8 A From the Commander of the Army.

9 Q And, who was he?

10 A From the reports of the Commander of the  
11 Shanghai Expeditionary Force, who was then General  
12 Prince ASAKA, and from the Commander of the 10th  
13 Army, Lieutenant General YANAGAWA.

14 Q The fact is that these two Army Commanders  
15 kept you in close touch with the progress of the  
16 operations, did they not?

17 A Yes.

18 Q And, you tell us that you heard about the  
19 outrages after entering Nanking on the 17th of  
20 December from the Commander of the Kempei Unit.  
21 Did you receive reports from any other persons after  
22 you entered Nanking?

23 A When I went to the Japanese Consulate, I  
24 heard reports -- stories of similar nature from the  
25 consul.

1 Q Why didn't you put that in your affidavit?

2 A This is because I did not hear it as an  
3 official report. I merely heard stories from him  
4 about this in the course of our conversation.

5 Q And, did he tell you that complaints had  
6 been lodged by the foreign residents with that  
7 Japanese Consulate in Nanking?

8 A That I did not hear.

9 Q What did you hear?  
10

11 A I heard from the Japanese Consul at Nanking  
12 that among the officers and men of the Japanese  
13 Army, which had entered Nanking, were some who had  
14 committed outrages.

15 Q Did he mention any particular units or  
16 divisions or armies?

17 A The story -- our conversation did not go  
18 into details such as those.

19 Q When did the conversation take place?

20 A Well, I believe it was around the 18th or  
21 19th of November -- of December.

22 Q And, did you also receive reports from your  
23 Army Commanders and your Divisional Commanders, when  
24 you were in Nanking?

25 A What kind of reports?

Q Reports of outrages which had been committed



1 upon the Chinese population.

2 A No, I did not receive any such reports.

3 Q You were in this court when the witness  
4 NAKAYAMA gave evidence, and he was an intelligence  
5 officer of the Central China Area Army.

6 A Yes.

7 Q And, you heard him say that you received  
8 additional reports from Commanders and Divisional  
9 Commanders under your command, as well as from  
10 diplomatic organs. Was he wrong when he said that?

11 A I don't think NAKAYAMA said what you said  
12 that he said. Since I was the Commander of the Army,  
13 I received reports from the Commanders of the two  
14 Armies, but I did not receive reports from  
15 Divisional Commanders as they were not my direct  
16 subordinates.

17 Q Then, you did receive reports from the  
18 Commanders of the two Armies in Nanking immediately  
19 after your entry into the city.

20 A Yes.

21 Q You didn't put that in your affidavit  
22 either. Was it because it was a casual conversation?

23 A No, the reports that I received from the  
24 Commanders of the Armies were in regard to the general  
25 war situation. I did not receive any reports from  
them on outrages.

1 Q Who was your Chief of Staff at this time,  
2 the 18th or 19th of December?

3 A My Chief of Staff at the time was a man who  
4 is already dead and for the moment I cannot recall  
5 his name. He was a major-general.

6 Q He was the officer who succeeded Lieutenant-  
7 General IINUMA.

8 A IINUMA was the Chief of Staff of the Area  
9 Army and the Chief of Staff of the Shanghai Expedition-  
10 ary Force was newly appointed by the General Staff  
11 and arrived direct.

12 Q Well, I understood from the witness IINUMA  
13 that he had relinquished his post around or about the  
14 time of the capture of Nanking. Is that so?

15 A No, up to the capture of Nanking IINUMA was  
16 Chief of Staff of the Expeditionary Force.

17 Q Yes.

18 A And later in February of the following year  
19 when the Army was reorganized IINUMA was relieved  
20 and returned to Japan.

21 Q Well, whoever he was and whatever his name  
22 may have been, did your Chief of Staff immediately  
23 after the fall of Nanking tell you of outrages committed  
24 by troops under your command?  
25

A He did report to me, saying that this was a

1 report he had received from the gendarmery, from the  
2 Kempei.

3 Q Was his name TSUKADA?

4 A Yes.

5 Q Now, we were told in this Court by the  
6 witness HIDAHA at page 21,453 of the record that  
7 reports of atrocities from foreign residents in  
8 Nanking were sent to the Foreign Office in Tokyo  
9 and to the Army in Nanking. Where would such reports  
10 go if they were sent to the Army in Nanking?

11 A Such reports should go to the Headquarters  
12 of the Shanghai Expeditionary Force; that is, to the  
13 Headquarters of General Prince ASAKA.

14 Q Now, when the witness NAKAYAMA at page  
15 21, 927 of the record says that he thought that the  
16 reports of the foreign residents were reported to  
17 the Special Service Department of the Shanghai  
18 Expeditionary Force, where would that Special Service  
19 Department be in December, subsequent to the 17th day  
20 of that month, 1937?

21 A The Headquarters were in Shanghai, but I  
22 believe that a part of it had gone to Nanking.

23 Q And the Headquarters of the Shanghai Expedition-  
24 ary Force were in Nanking?

25 A The Headquarters of the Shanghai Expeditionary

1 Force were inside the walls of Nanking.

2 Q Where were the Headquarters of the 10th  
3 Army?

4 A For a few -- one or two days I believe it  
5 was in Nanking but it was moved to Hangchow in Chekiang.

6 Q When was it moved?

7 A I don't recall the exact date. I believe  
8 it was around the 20th.

9 Q Now, you tell us at the bottom of page 9 of  
10 your affidavit that hearing about these atrocities  
11 you at once ordered every unit to investigate thoroughly  
12 and to punish the guilty men. Did they report back  
13 to you the result of the investigations which you had  
14 ordered?

15 A As I have been telling you, each unit, specific  
16 unit, would not report to me directly. If I received  
17 any reports it would be from the commanders of the  
18 two armies.

19 Q I am perfectly aware of that. And what  
20 reports did you receive from the commanders of these  
21 two armies as a result of the investigations you had  
22 ordered?

23 A Up to my departure from Shanghai in February  
24 of the following year I had received no reports on  
25 these investigations.



1 Q Did you ask that they should be reported  
2 to you?

3 A Yes.

4 Q And what reply did you receive?

5 A The reply was that "We are now in the midst  
6 of investigations. As soon as investigations are  
7 completed we shall reply."

8 Q And you had received no reply up until the  
9 time you left China in the month of February, 1938?

10 A That is so.

11 Q Did the General Staff in Tokyo communicate  
12 with you regarding the conduct of your troops at  
13 Nanking?

14 A In regard to the movement of the troops?

15 Q In regard to the behavior of the troops.

16 A I am not aware of any communications from  
17 the General Staff addressed to me on that point.

18 Q Are you aware of any communications from any  
19 one in Tokyo addressed to any one that came to your  
20 knowledge in China?

21 A I know nothing at all about that. I do  
22 remember, however, that towards the end of January,  
23 1938, when Major-General HOMMA was sent to my head-  
24 quarters from the General Staff, he said that the  
25 authorities in Tokyo were very worried about reports

1 of outrages committed by Japanese soldiers in China.

2 Q But that was late in January. I am talking  
3 now about December and early in January. Did you  
4 receive any complaints from any government official,  
5 authority, or military authority in Tokyo regarding  
6 the conduct of your troops in Nanking?

7 A I heard nothing.

8 Q Was there a communication sent to Prince  
9 ASAKA, the Commander of the Shanghai Expeditionary  
10 Force?  
11

12 A From where?

13 Q From Japan.

14 A I did not hear anything about that either.  
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1 Q Did you hear about any complaint sent to  
2 him from any place whatsoever?

3 A No. I did not.

4 Q Now, after the ceremony on the 17th of  
5 December you called your officers together. What  
6 officers were these?

7 A That wasn't on the 17th but on the 18th.  
8 On the 18th I called together all Japanese units  
9 stationed in Nanking and held a memorial service.  
10 My intention was to assemble as many officers of the  
11 various armies and divisions gathered there as  
12 possible, and therefore I ordered all such officers  
13 to assemble; so I believe that at least all officers  
14 above the rank of regimental commander were there.

15 Q And why were they assembled?

16 A That was because on the previous 17th I had  
17 received, through my Chief of Staff, the report of the  
18 command of the gendarmery in regard to outrages com-  
19 mitted by the Japanese soldiers, and I gathered these  
20 officers together for the purpose of giving them  
21 instructions directly.

22 Q How long did the atrocities go on in Nanking,  
23 General MATSUI? Do you know?

24 A I don't know. I think most of the outrages  
25 were committed immediately after our entry into Nan-

king.

1 Q You heard the evidence of the witness Magee  
2 at page 3922 and of the witness Bates at page 2644  
3 of the record in which they said they went on for  
4 about six weeks after the fall of the city. Did you  
5 know about that?

6 A I heard their testimony given before this  
7 Tribunal, but I don't believe it.

8 Q On page 10 of your affidavit you say that  
9 not a few of the crimes in Nanking were committed by  
10 the Chinese troops and people when the city fell.  
11 How do you know that?

12 A I knew of that from receiving reports made  
13 by Staff Officer NAKAYAMA and Counselor HIDAKA, whom  
14 I had sent to Nanking to investigate.

15 Q And when did you receive the report of that  
16 investigation?

17 A I don't remember when; I believe it was  
18 around the middle of January.

19 Q And did they in their report mention any  
20 crimes committed by Japanese soldiers?

21 A Yes.

22 Q Well, tell me what they reported, please.

23 A It wasn't a written report. They reported  
24 to me orally, so I don't remember the contents of  
25 that report too well.



Q Well, tell me what you do remember about it.

1 A Since they went to Nanking to investigate  
2 after the incidents had already broken out, and since  
3 they did not catch any person actually in the act, it  
4 was a very difficult thing to investigate and their  
5 investigations were not exact -- and I was not able to  
6 get an exact report.

7 Q Did you send them back to make a further and  
8 better report?

9 A At the time it was already after the incidents  
10 in question had occurred, and it was really almost im-  
11 possible for the Chief of Staff and for the Foreign  
12 Office authorities to make any exact investigations,  
13 and the only method left was to order the commanders  
14 of the various units to carry on investigations in re-  
15 gard to their respective units, but such reports took  
16 quite some time to assemble and collate.

17 Q And you did not have them when you left China  
18 for Japan?

19 A That is so.

20 Q The other day the witness OKADA, at page  
21 32,747 of the record, said that he had had a conversa-  
22 tion with you in the Metropole Hotel in Nanking on the  
23 18th of December and that you had told him that you  
24 were sorry because unknowingly you had wrought a most  
25

1 grievous effect upon the city.

2 Did you make that statement to OKADA?

3 A I did. As the witness testified, I had no de-  
4 sire to occupy Shanghai -- I had no desire to occupy  
5 Nanking by war. I wished the occupation of Nanking --  
6 the capture of Nanking to be a peaceful one, and I was  
7 indeed -- I had no desire to turn Nanking into a field  
8 of carnage, and I was most sorry when that happened.

9 That is all I conveyed to OKADA.

10 Q And that is what you meant when you said  
11 "a most grievous effect upon the city"?

12 A That is so.

13 Q In your inspection on the 19th of December,  
14 to which you make reference in your affidavit, did you  
15 go into the refugee quarter?

16 A I did not enter the refugee zone.

17 Q Then you had no conversation with those re-  
18 fugees, as set out in the affidavit of your witness  
19 OKADA?

20 A It was not in the refugee zone, but in a temple  
21 on the top of a mountain -- I have forgotten exactly  
22 where -- that I met a couple of refugees and talked with  
23 them there.  
24

25 ACTING PRESIDENT: We will recess for fifteen  
minutes.

1                   (Whereupon, at 1445, a recess was  
2           taken until 1500, after which the proceedings  
3           were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Brigadier Nolan.

4 BY BRIGADIER NOLAN (Continued):

5 Q General MATSUI, at the adjournment we were  
6 discussing your concern over the greivous effect that  
7 your armies had brought about in Nanking. The wit-  
8 ness NAKAYAMA, page 21,893 of the record, told us  
9 that you informed General TSUKADA, the Chief of the  
10 Staff, to issue an order to all staff officers and  
11 that the order contained these words: "As Nanking  
12 is the capital of China, our capture of it is an  
13 international event. Careful studies must be made  
14 in this regard so as to dazzle China even more greatly  
15 with Japan's military glory." Did you issue such an  
16 order?

17 A Yes.

18 Q Now, reverting to the witness HIDAKA, as I  
19 understand it, he was a Japanese consul official  
20 stationed in Shanghai, is that so?

21 A Councillor of Embassy.

22 Q In Shanghai?

23 A Before the incident the Embassy was located  
24 in Nanking.

25 Q After the incident it was located in Shanghai?



1 A Yes, that is so.

2 Q Yes. That was the official who received  
3 the complaints of the foreign residents of Nanking?

4 A Yes.

5 Q Is he the same official whom you asked to  
6 make an investigation?

7 A Yes.

8 Q And when did you ask for an investigation?  
9 Was it in January of 1938?

10 A Yes.

11 Q And did you tell me that his report to you  
12 was a verbal one?

13 A Yes.

14 Q And did he mention to you the fact that he  
15 had been receiving constantly reports of complaints  
16 of the foreign residents of Nanking?

17 A I did not hear that but what I had  
18 councillor HIDAKA to do principally was to investi-  
19 gate into matters of damages and losses inflicted  
20 upon the embassies and legations of the foreign  
21 powers in Nanking and to indemnify these damages as  
22 well as damages inflicted upon foreigners.  
23

24 Q Does that include the Chinese?

25 A Yes.

Q And was it not a fact that he was to

1 investigate upon the basis of the information  
2 contained in the reports of complaints in his  
3 possession?

4 A I do not know what method was used as that  
5 was not reported to me but I assume that he based  
6 his investigations on reports of foreigners in the  
7 refugee zone.

8 Q Yes, and you knew that such reports were in  
9 existence, did you not?

10 A At that time I did not hear of such reports  
11 such as have been presented to this Tribunal.

12 Q Then why do you say you assume that he  
13 predicated his investigation upon such reports?

14 A I am assuming now and after being informed  
15 in this Tribunal that many such reports had been  
16 submitted to the Japanese Consul.

17 Q All right. In your affidavit on page 10,  
18 about the middle of the page, you say that when you  
19 inspected the city "we saw only about twenty dead  
20 Chinese troops lying on the streets." How many bodies  
21 of dead civilians, including women and children, did  
22 you see?

23 A I did not see any.

24 Q The reason I ask you is because in your  
25 interrogation which is exhibit 257 in the case, at

1 investigate upon the basis of the information  
2 contained in the reports of complaints in his  
3 possession?

4 A I do not know what method was used as that  
5 was not reported to me but I assume that he based  
6 his investigations on reports of foreigners in the  
7 refugee zone.

8 Q Yes, and you knew that such reports were in  
9 existence, did you not?

10 A At that time I did not hear of such reports  
11 such as have been presented to this Tribunal.

12 Q Then why do you say you assume that he  
13 predicated his investigation upon such reports?

14 A I am assuming now and after being informed  
15 in this Tribunal that many such reports had been  
16 submitted to the Japanese Consul.

17 Q All right. In your affidavit on page 10,  
18 about the middle of the page, you say that when you  
19 inspected the city "we saw only about twenty dead  
20 Chinese troops lying on the streets." How many bodies  
21 of dead civilians, including women and children, did  
22 you see?

23 A I did not see any.

24 Q The reason I ask you is because in your  
25 interrogation which is exhibit 257 in the case, at

1 page 3461 of the record, you are asked this question:

2 "Q You stated that you went in to Nanking on  
3 the 17th. Did you see any bodies of dead civilians,  
4 women or children? Anything of that sort?"

5 And your answer was:

6 "A They had all been removed by this time. I  
7 saw a few dead Chinese soldiers near the west gate."

8 Do I understand from that answer that the  
9 bodies of the dead civilians, women and children had  
10 been removed by the time you got there?

11 A I do not know of any fact of Chinese women  
12 and children being killed within the walls of Nanking;  
13 however--

14 Q Then why did you say in your interrogation  
15 that they had all been removed by the time you entered  
16 the city?

17 A I do not know whether I said that or not,  
18 but if there had been, it was my idea then that they  
19 would naturally have been removed from the scene.

20 Q Yes. At the bottom of page 10 of your affi-  
21 davit you say that during your stay in Shanghai after  
22 the fall of Nanking until February of 1938 "the only  
23 thing I heard was a rumor towards the end of December  
24 1937 to the effect that there were some cases of  
25 illegal acts in Nanking but I had received no official



1 report about such fact." Where did the rumors come  
2 from?

3 A At that time there were many rumors afloat  
4 not only among Chinese but among foreigners of all  
5 nationalities and I learned from reports from persons  
6 who heard of these rumors.

7 Q And from the newspapers, General MATSUI, also?

8 A Such rumors may have appeared in Chinese  
9 newspapers but at that time I do not think, if my  
10 recollection is right, that such matters did get into  
11 print.

12 Q Did you see it in any foreign newspaper?

13 A There might have been some in the foreign  
14 press but from my careful scrutiny of Chinese and  
15 foreign newspapers at that time I did not notice any.

16 Q You heard the accused MINAMI inform this  
17 Tribunal at page 20,015 that the rape of Nanking had  
18 been reported in the press of the world. Did you  
19 read any of those reports?

20 A No, I have not read any such reports but if  
21 they had been reported might it not have been reported  
22 at a much later date after I had already left Shanghai  
23 because when I was in Shanghai I did not notice any.

24  
25

1 Q Well, you had a conversation with Mr.  
2 Hallett Abend in Shanghai in January 1938?

3 A Yes, I saw him twice.

4 Q And you sent for him?

5 A Having heard various reports at that time  
6 I met Mr. Abend to hear from him what he had heard  
7 and also on the basis of the facts that I knew to  
8 impart the factual information that I had in my  
9 possession to him.

10 Q In other words, you wanted to quell the  
11 rumors that were abroad in the land at that time?

12 A Well, "quell" is hardly the word to be used  
13 in such an instance as this. My desire was to see  
14 that the truth and the facts was reported.

15 Q The only reason I use the word is because  
16 you used it at page 3,463 of the record, in exhibit  
17 257. You were asked in your interrogation this  
18 question:

19 "Q When did you first see Hallett Abend after  
20 the Nanking capture?"

21 The answer was:

22 "A I met him in China. I first met Mr. Abend  
23 after, perhaps a month after, Nanking."

24 "Q Did Mr. Abend ask for an interview and get it?

25 "A No, I requested Mr. Abend to see me as I had

1 heard rumors and I wished to quell these by putting  
2 the facts before Mr. Abend."

3 Is that what took place, General MATSUI?

4 A Yes.

5 Q And what rumors are you referring to when  
6 you mention this conversation with Mr. Abend?

7 A Well, as you, Mr. Prosecutor, have suggested,  
8 as referring to the many outrages alleged to have been  
9 committed by the Japanese troops in Nanking, and my  
10 desire was to tell Mr. Abend of the truth of the  
11 situation as I believed it, and although there were  
12 many foreign correspondents in Shanghai at the time,  
13 I felt that Mr. Abend was the most trustworthy of  
14 these correspondents and therefore I met him.

15 Q Who was alleging that these atrocities had  
16 been committed?

17 A Well, as to who were talking about these  
18 outrages, I cannot say concretely but I should think  
19 that the sources of such rumors were for the most part  
20 Chinese and foreigners who had heard from Chinese who  
21 were passing on the information, perhaps in fun.

22 Q Well, apart from the funny side of it,  
23 who passed on the information to you?

24 A Well, who it was I do not now recall, but  
25 it was one of my subordinates.

1 Q Probably your Chief of Staff?

2 A Yes.

3 Q Now, you were going to tell Mr. Abend what  
4 the facts were so that there would be no misapprehension  
5 about the true state of affairs?

6 A Yes.

7 Q But you had received no report of your  
8 investigators at this time?

9 A No, but I had been receiving fragmentary  
10 reports.

11 Q Fragmentary reports? From whom?

12 A I am referring to reports of the gendarmerie.

13 Q Did you receive more than one report from  
14 the gendarmerie?

15 A I myself did not receive them directly but  
16 my staff officers were receiving them daily.

17 Q Daily since the fall of Nanking?

18 A Yes.

19 Q And those reports were, of course, communica-  
20 ted to you as the Commander in Chief of the Army,  
21 weren't they?

22 A As the gendarmerie were not my direct subor-  
23 dinates, but the subordinates of the Commanders of  
24 the Armies, the reports were made to those Commanders  
25 and not to me.



1           Q   And what did the Commanders of the Armies  
2 do with the reports when they received them from  
3 the Kempeitai?

4           A   When the facts were clearly unraveled and  
5 known, the offender was tried at a court martial  
6 and punished.

7           Q   Now, just to go back a moment: You mention  
8 fragmentary reports from the Kempeitai in the hands  
9 of your staff officers. You mean staff officers on  
10 your staff as Commander in Chief, do you not?

11          A   Yes.

12          Q   And those reports were brought to your knowledge

13          A   Ordinarily discipline and morals within an  
14 army was the responsibility of the Division Commander.  
15 The Commander of the Army above the Division Commanders  
16 supervised these Division Commanders and maintained  
17 the court martial under his jurisdiction. I was above  
18 them. I was the Commander above them and my Area Army  
19 Headquarters had no legal organ nor any military police  
20 or gendarmerie under its direct control, and therefore  
21 reports were not made to my headquarters or to me  
22 directly. It would be more proper to say that the  
23 facts were brought to my attention or communicated  
24 to me for reference purposes.  
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1 Q The staff officers on your headquarters were  
2 constantly receiving reports from the Kempeitai, were  
3 they not?

4 A It would be more correct to say that inasmuch  
5 as I told my staff officers to put these matters  
6 under investigation, they went to the Kempeitai to  
7 investigate, to get information rather than to re-  
8 ceive reports from the Kempeitai, the gendarmerie.

9 Q And having investigated they came back to  
10 your headquarters with the reports?

11 A At that time as you would understand there  
12 was a battle going on, and troops were constantly on  
13 the move, and it was not easy to get the facts that  
14 you desired to get, and, therefore, it was only nat-  
15 ural that any reports that came in were fragmentary  
16 and abstract.

17 Q Well, now, nobody had moved Nanking. It was  
18 still there. And what I am trying to get from you is  
19 what reports you had as to what was going on in that  
20 city from your staff officers, such information being  
21 obtained from the Kempeitai?

22 A Inasmuch as these incidents had already  
23 occurred in the past and the reports or information  
24 were heard indirectly through various informants,  
25 that is, different people, and with troops constantly

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10 your headquarters with the reports?

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18 still there. And what I am trying to get from you is  
19 what reports you had as to what was going on in that  
20 city from your staff officers, such information being  
21 obtained from the Kempeitai?

22 A Inasmuch as these incidents had already  
23 occurred in the past and the reports or information  
24 were heard indirectly through various informants,  
25 that is, different people, and with troops constantly

1 on the move, some in pursuit of the Chinese, some  
2 returning to North China, some being deployed to  
3 Chekiang, it was of the utmost difficulty to ascertain  
4 these facts. And, therefore, it was not possible for  
5 me to get any reports which contained -- ascertained  
6 the concrete facts.

7 Q Then, may I ask you how you were able to  
8 give to Mr. Abend in January of 1938 the true facts  
9 of the situation?

10 A I talked to Mr. Abend on the basis of the  
11 reports which had been communicated to me from the  
12 Kempei, or the gendarmerie.

13 Q You said something a moment ago about dis-  
14 cipline and morals being the responsibility of a  
15 subordinate commander to yourself.

16 A The responsibility of the division commander.

17 Q You were the Commander-in-Chief of the Cen-  
18 tral China Area Army, were you not?

19 A Yes.

20 Q Are you suggesting to this Tribunal that  
21 that power of command did not carry with it the power to  
22 enforce discipline on the troops under your command?

23 A As Commander-in-Chief of the Central China  
24 Area Army I was given the power to command operations  
25 of the two subordinate armies under my command, but I



1 did not have the authority directly to handle the  
2 discipline and morals within these respective armies.

3 Q No, but you had the power to see that dis-  
4 cipline and morals were maintained in the units under  
5 your command?

6 A It would be better to say, and more correct  
7 to say, obligation rather than authority -- obligation  
8 or duty.

9 Q Yes. And that is the reason why you sum-  
10 moned your officers in Nanking after your entry and  
11 talked to them about disciplinary measures, is it  
12 not?

13 A Yes.

14 Q So that you are not attempting to say that  
15 the power of discipline was not inherent in your com-  
16 mand, are you?

17 A I do not -- I am not trying, nor do I evade  
18 all responsibilities in connection with the capture of  
19 Nanking as area commander -- area army commander --  
20 commanding my subordinates. However, I am only trying  
21 to tell you that I am not directly responsible for  
22 the discipline and morals of the troops under the  
23 respective armies under my command.

24 Q And that is because there is an army commander  
25 in the units under your command, and you carry out

1 disciplinary measures through your army commanders?

2 A I, myself, did not have the authority to  
3 take disciplinary measures, or to hold court-martial,  
4 such authority resided in the commander of the army  
5 or the division commander.

6 Q But you could order a court-martial to be  
7 held either in the army or in the division?

8 A I had no legal right to issue such an order.

9 Q Well, then, how do you explain your efforts  
10 to show that you ordered severe punishment meted out  
11 to the guilty for the outrages in Nanking, and that  
12 you did everything in your power as Commander of the  
13 Central China Area Army to give severe punishment to  
14 the guilty?

15 A I had no authority except to express my de-  
16 sires as over-all Commander-in-Chief to the commander  
17 of the army under my command and the divisional com-  
18 manders thereunder.

19 Q And I suppose a general officer commanding  
20 expresses his desires to those subordinate to him in  
21 the form of orders?

22 A No, that would be difficult in the light of  
23 law.  
24  
25

1 Q Well, when you want those who serve under you  
2 to do something, General MATSUI, what do you do about  
3 it?

4 A The authority that was vested in me was to  
5 command -- was the overall operational command of the  
6 two armies under me. That was all. Hence it would be  
7 a very difficult matter to determine my legal responsi-  
8 bilitys with regard to my -- to the question of  
9 discipline and morals and I cannot make any statement,  
10 any definite statement, on that at the present time. I  
11 cannot make any definite statement on that here.

12 Q Well, I don't want to argue with you but if  
13 your military superiors in Tokyo were dissatisfied with  
14 the conduct of your army in China who would they hold  
15 responsible?

16 A As I have said before, it is very difficult  
17 to try to determin this legal question and I do not know  
18 how the general staff offices in Tokyo felt at that  
19 time. However, with regard to this question, while I  
20 was in Shanghai or even after I returned to Tokyo there  
21 was no time when I was reprimanded by the Chief of  
22 the Army General Staff or the War Minister.

23 Q Well, then, perhaps you will tell me why  
24 General HOMMA went out to Shanghai early in February  
25 of 1938.

1           A    It was only natural that the central army  
2 authorities would be greatly worried and under strong  
3 misgivings from the reports of outrages committed by  
4 the Japanese troops at the time of the capture of  
5 Nanking and I, too, naturally shared that misgiving  
6 and it was because of that great worry on my part that  
7 I instructed the officers under my command to work to  
8 rectify any such actions on the part of troops under  
9 their command.

10           Q    In other words you told them that discipline  
11 had to be maintained?

12           A    What do you mean by "them"?

13           Q    I mean those who served under you to whom you  
14 issued instructions.

15           A    Yes.

16           Q    All right. Now, did General HOMMA come to your  
17 headquarters?

18           A    Yes, he did.

19           Q    And he told you of the rumors or reports that  
20 had been received in Tokyo?

21           A    No, he did not speak to me at all about particu-  
22 lars.

23           Q    He spoke to you generally about the conduct of  
24 your troops in Nanking, did he not?

25           A    Yes.



Q Who had told him about it?

1 A What do you mean by gave him information or  
2 told him?

3 Q As I understand you, General HOMMA came over  
4 to China because the higher command were concerned  
5 about the conduct of troops in Nanking.  
6

7 A Yes.

8 Q Where did he get the information which gave him  
9 his concern?

10 A From what I have heard for the first time here  
11 in this Tribunal, I presume that he learned of these  
12 matters from the reports sent by the Foreign Office to  
13 the Army.

14 Q You are quite sure that you didn't sent a report  
15 to the headquarters in Tokyo, did you, General MATSUI?

16 A You mean with regard to outrages?

17 Q Yes.

18 A No.

19 Q As a matter of fact you never reported any of  
20 these incidents which had come to your attention to the  
21 higher command in Tokyo.

22 A I may have talked about this matter to the  
23 General Staff Office after my return to Tokyo but I  
24 have never sent an official report.

25 Q Have you ever sent an unofficial report?

1           A   As far as I remember no reports were made in  
2 my capacity as Commander-in-Chief of the Area Army,  
3 official or unofficial.

4           Q   Although you did know of some incidents having  
5 occurred you didn't report those to Tokyo?

6           A   If there was any necessity of sending reports  
7 with regard to the discipline and morals of troops, that  
8 authority, or responsibility rather, did not reside in  
9 the Commander-in-Chief of the Area Army.

10          Q   Well, where did it reside?

11          A   I would like to say that this responsibility  
12 resided in the division commander.

13          Q   Well, where are the army commanders? Don't  
14 they come into this picture?

15          A   Legally that would be difficult to say and in  
16 my interpretation any responsibility naturally resided  
17 in the division commander whose responsibility it would  
18 be to send reports to the central army authorities  
19 through their immediate superior, the commander of the  
20 army.

21          Q   Then just one last question on this phase:  
22 The divisional commander would send a report through  
23 his army commander through the commander-in-chief of  
24 the armies to Tokyo?

25          A   I cannot speak of this definitely from the legal

1 standpoint whether the division commander should send  
2 such reports through his immediate superior, that is,  
3 the commander of the army, or by channeling it through  
4 the Commander-in-Chief of the Area Army. It is  
5 difficult for me legally speaking to make any clear  
6 statement on that.

7 Q Well, in any event, however they were channeled,  
8 they went through the Commander-in-Chief of the Central  
9 China Area Army?

10 A Well, I can't say whether it is legally correct  
11 or not but, as a matter of fact, such reports were not  
12 sent by me.

13 ACTING PRESIDENT: We will adjourn until  
14 tomorrow morning at 9:30.

15 (Whereupon, at 1600, an adjournment  
16 was taken until Tuesday, 25 November 1947, at  
17 0930.)  
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